

# United States District Court

For the Northern District of California

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 || AIRBORNE HEALTH, INC.,

No. C-06-1803 MMC

12 Plaintiff,

## ORDER OF DISMISSAL

13 || v.

14 WALGREEN CO.,

Defendant.

18 Plaintiff having advised the Court that the parties have agreed to a settlement of the  
19 above-titled action.

20 IT IS HEREBY ORDERED that said action be dismissed without prejudice; provided,  
21 however, that if any party hereto shall certify to this Court, within ninety days, with proof of  
22 service of a copy thereof on opposing counsel, that a written settlement agreement has not  
23 been executed, the foregoing order shall stand vacated and the action shall forthwith be  
24 restored to the calendar to be set for trial.

**IT IS SO ORDERED.**

26 | Dated: June 1, 2006

*Maxine M. Chesney*  
MAXINE M. CHESNEY  
United States District Judge